

**MEDICAL EXAMINING BOARD
MINUTES
April 20, 2005**

PRESENT: Dr. Alfred Franger, MD; Dr. Lief Erickson, Jr., MD; Mary R. Cook; Dr. Jon Gudeman, MD; Virginia Heinemann; Dr. Sujatha Kailas, MD; Dr. Jack Lockhart, MD; Daniel Miota, DO; Dr. Gene Musser, MD; Dr. Sandra Osborn, MD.

EXCUSED: Dr. Bhupinder Saini, MD; Dr. Ian Munro, MD

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Gina York, Bureau Assistant

GUESTS: Mark Grapentine, WI Medical Society

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:04 a.m. There was a quorum of 10 members present at today's meeting.

APPROVAL OF AGENDA

CORRECTIONS:

- Remove Item I. – Appearance of John Ferris, MD
- Change to Item M. – First Name Change from Virginia to Victoria

ADDITIONS:

- Between Item C. & D. – Add Results of Internet Search.
- After Item G. – Add Stipulation Regarding David M. Koskey, P.A.
- Between Item G. & H. – Add Complaint Regarding Michael C. Janowak, M.D.
- Item K. – Additional Information Regarding Ken Sparr
- After Item O. – Add Application Review for Megan A. Fuller; the Case Closing Report; and The Three Year Report (04-18-05)

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to approve the agenda of April 20, 2005 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 16, 2005

CORRECTIONS:

- Page 1: Change Dr. Bhupinder Saini, MD from present to excused.
- Page 3: Under Informational Items - Change motion wording to read, “that the Medical Examining Board congratulates Deanna Zychowski on her selection as the 2005 recipient of the FSMB Meritous Service Award. This award is to be presented to her in recognition of her many outstanding contributions in the field of medical licensure and discipline. The Medical Board also thanks her for her 50 years of service to the Board.”
- Page 5: Under Proposed Decision John F. Powers - In motion delete words “Dr. Lockhart and”
- Page 6: Under Three Month Stay Benjamin Begley, MD – In motion delete date “April 20, 2005” replace with “at an appropriate time in the future”.
- Page 7: Under Adjournment – In motion change “Osborne” to “Osborn”.

MOTION: Dr. Osborn moved, seconded by Ms. Cook, to approve the March 16, 2005 minutes as amended. Motion carried unanimously.

SCREENING PANEL REPORT

APRIL RESULTS

The screening panel reported that they reviewed 32 complaints, 12 were opened, and 18 needed more information. Two require more information.

SCREENING MEDICAL MALPRACTICE CASES

The Board discussed Dr. Franger’s proposal for reducing the number of screening cases with Michael Berndt, an attorney with the Division of Enforcement. No action was taken.

PRESENTATION OF PROPOSED STIPULATIONS, DECISIONS AND ORDERS

There were three proposed stipulations presented before the board at today’s meeting.

ADMINISTRATIVE REPORT

The Bureau Director indicated he was told that the legislature confirmed Dr. Osborn's appointment. He also informed the Board that Celia Jackson has been appointed as the new DRL Secretary. Her first day will be April 25, 2005.

USMLE 7/9 YEAR RULE REVIEW AND STATUS

Board Legal Counsel, provided a summary review of the USMLE 7/9 rule. She also provided a copy of the chart from an internet search regarding the seven-year rule and shared specifics regarding what other states are doing concerning this issue. The Board decided by consensus to revisit the subject at a future meeting.

INFORMATIONAL ITEMS

The Board noted additional information and articles provided at today's meeting.

CONVENE TO CLOSED SESSION

MOTION: Dr. Lockhart moved, seconded by Ms. Heinemann, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Gudeman-yes, Dr. Lockhart-yes, Dr. Erickson-yes; Ms. Cook-yes, Ms. Heinemann-yes, Dr. Kailas-yes; Dr. Miota-yes; Dr. Franger-yes; Dr. Musser-yes; Dr. Osborn-yes.

Open Session recessed at 9:18 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to reconvene to open session. Motion carried unanimously.

Open session at 12:04 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Dr. Osborn moved, seconded by Ms. Heinemann, to reaffirm all motions made during closed session. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATION, DECISION AND
ORDER IN THE MATTER CONCERNING
MARTIN L. DEVINE, MD (02 MED 362)**

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Martin L. Devine, MD, Case 02 MED 362. Abstained – Ms. Heinemann. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, DECISION AND
ORDER IN THE MATTER CONCERNING
GEORGE KRISMER, MD (04 MED 426)**

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of George Krismer, MD, Case 04 MED 426. Abstained- Dr. Erickson and Ms. Cook. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, DECISION AND
ORDER IN THE MATTER CONCERNING
DAVID M. KOSKEY, PA (05 MED 029)**

MOTION: Ms. Heinemann moved, seconded by Ms. Cook, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of David M. Koskey, PA, Case 05 MED 029. Abstained-Dr. Lockhart. Motion carried.

**APPLICATION REVIEW REGARDING
LISA M. YUDICE**

The Board requested this application review be deferred to a future Board Meeting.

**APPLICATION REVIEW REGARDING
MEGAN FULLER**

The Board requested this application review be deferred to a future Board Meeting.

**DELIBERATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATIONS WITH WARNINGS
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**ISSUANCE OF COMPLAINTS THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA
MICHAEL C. JANOWAK, MD**

MOTION: Ms. Cook moved, seconded by Dr. Osborn, in favor of a finding of probable cause and to issue a complaint regarding Michael C. Janowak, MD. Abstained-Dr. Erickson. Motion carried.

**MATTERS RELATING TO COSTS THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA**

None.

DOE MONITORING

**APPEARANCE REQUESTING FULL REINSTATEMENT REGARDING
TIMOTHY STAACKE, MD**

MOTION: Dr. Miota moved, seconded by Ms. Cook, to grant full reinstatement of licensure to Timothy Staacke, M.D. Dr. Erickson was not available during deliberation and did not participate in voting. Abstained – Dr. Erickson. Motion carried.

**APPEARANCE REQUESTING REINSTATEMENT OF LIMITED LICENSE
REGARDING JOHN FERRIS, MD**

This item was removed from the agenda at the April 20, 2005 meeting.

**APPEARANCE REQUESTING REINSTATEMENT OF LIMITED LICENSE
REGARDING ROBIN FERRON, MD**

MOTION: Dr. Miota moved, seconded by Dr. Musser, to deny reinstatement of a three-month stay to Robin Ferron, MD. Opposed – Dr. Osborn. Motion carried.

MOTION: Dr. Miota moved, seconded by Dr. Musser, to amend the former motion to add the reason for denial is due to insufficient evidence of progress from her therapist's report regarding Dr. Ferron's fitness to practice. Motion carried unanimously.

Final Motion is as follows:

MOTION: Dr. Miota moved, seconded by Dr. Musser, to deny reinstatement of a three-month stay to Robin Ferron, MD. Reason for Denial: Due to insufficient evidence of progress from her therapist's report regarding Dr. Ferron's fitness to practice. Opposed – Dr. Osborn. Motion carried.

**APPEARANCE REQUESTING REINSTATEMENT OF LIMITED LICENSE
REGARDING KENNETH SPARR, MD**

MOTION: Ms. Cook moved, seconded by Dr. Erickson, to grant a three-month stay to Kenneth Sparr, MD. Motion carried unanimously.

REQUESTING FULL REINSTATEMENT REGARDING HARRY LESCH, MD

MOTION: Dr. Kailas moved, seconded by Ms. Cook, to grant full reinstatement of licensure to Harry Lesch, M.D. Motion carried unanimously.

**REQUESTING FULL REINSTATEMENT REGARDING
VICTORIA MONDLOCH, MD**

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to grant full reinstatement of licensure to Victoria Mondloch, M.D. and strongly recommend that she obtain a mentor (preferably at Waukesha Memorial Hospital) and for her mentor to report back to the Board on a voluntary basis his/her observations on ten cases within the next six months. Motion carried unanimously.

REQUESTING THREE MONTH STAY REGARDING RICHARD HELFFRICH, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to grant a three-month stay to Richard Helffrich, M.D. Motion carried unanimously.

REQUESTING THREE MONTH STAY REGARDING ROBERT VINCENT, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Miota, to grant a three-month stay to Robert Vincent, M.D. Abstained – Dr. Musser. Motion carried.

**MONITORING CASES THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF AGENDA**

None.

**DIVISION OF ENFORCEMENT MEETING WITH INDIVIDUAL
BOARD MEMBERS**

Completed.

**DIVISION OF ENFORCEMENT CASE STATUS REPORTS AND
CASE CLOSINGS**

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case **02 MED 219** for P3. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case **02 MED 353** for P3. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to close case **04 MED 463** for no violation. Motion carried unanimously.

MOTION: Dr. Gudeman moved, seconded by Dr. Miota, to close case **03 MED 267** for insufficient evidence. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to close case **04 MED 500** for insufficient evidence. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to close case **04 MED 326** for P2. Motion carried unanimously.

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to close case **02 MED 191** for no violation. Motion carried unanimously.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case **02 MED 484** for P2. Motion carried unanimously.

**DELIBERATION OF REMEDIAL EDUCATION CASES RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA**

There were no remedial education cases to address at this time.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Osborn moved, seconded by Dr. Erickson, to ratify all licenses presented in closed session. Motion carried unanimously.

EXAMINATION ISSUES

Darwin Tichenor, Office of Education and Examinations, informed the Board that there are 10 candidates here for the oral examinations, which will be held immediately following the adjournment of today's Board meeting.

The Board discussed setting up an examiner schedule for oral examinations and asked that all Board members review their schedules for when they may be available. Darwin Tichenor will make an agenda request if further consideration and discussion is needed.

APPLICATION ISSUES

None.

THREE YEAR REPORT AS OF APRIL 18, 2005

Noted.

ADJOURNMENT

MOTION: Dr. Osborn moved, seconded by Dr. Erickson, to adjourn the meeting at 12:14 p.m. Motion carried unanimously.